The architecture of non-grievability: a critical race spatial analysis of the continuance of apartheid spatial planning into (post)apartheid South Africa

Submitted in partial fulfilment of the requirements for the degree Master of Philosophy by

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The architecture of non-grievability: a critical race spatial analysis of the continuance of apartheid spatial planning into (post)apartheid South Africa[1]

By

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[1] A McClintock 'The Angel of Progress: Pitfalls of the Term "Post-Colonialism"' (1992) 31/32 *Social Text*
Anne McClintock provides that the "post" of postcolonial must be an analytic in nature and not temporal as it aims to address the ongoing structural violence that settler colonial states inflict on indigenous peoples as best it can.

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DEDICATION

It may be quite unorthodox, but I dedicate this dissertation to myself. This has been the most challenging intellectual project I have taken on to date and it certainly has not been an easy personal journey.

There were times when I did not think I would make it this far, but here I am. I am blessed.

Contents

CHAPTER ONE: INTRODUCTION

"Searching for a place to belong I make a list of what I will need to create firm ground. At the top of the list I write: 'I need to live where I can walk. I need to be able to walk to work, to the store, to a place where I can sit and drink tea and fellowship. Walking, I will establish my presence, as one who is claiming the earth, creating a sense of belonging, a culture of place.'"
– bell hooks[2]

My main aim in this dissertation is to conduct a critical race spatial analysis of the temporal and structural legacy of harm of the Group Areas Act of 1950[3] using Khayelitsha and Cape Town as instantiations. My aim is to use a three-point critical race analysis to unpack the ways in which apartheid spatial planning was not only concerned with who had access to socio-economic rights but also with deciding which lives were grievable because the spatial expression of South African life is undoubtedly racialised. In addition I want to expose that colonialism has been and remains a gendered process.[4] In addressing this, townships and informal settlements must be understood as the underbelly of modernity and segregation must be understood as a system of inequality and a structure of oppression designed to engineer disadvantage for the black majority. This needs to be redressed directly and simultaneously,[5] because a failure to acknowledge the difference of race, gender, sexuality, class, and age weakens any academic discussion of the personal and the political. I employ a socio-legal approach to answer my research questions, which will allow me to make use of transdisciplinary research by finding authority in intersectional feminist theory, critical legal theory, human and legal geography and decolonial theory.

A solution is needed that addresses the inhumane and socially produced geography of institutionalized racial segregation under apartheid that created spatial strategies

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[2] bell hooks writing on her yearning to find her place in this world in her book *Belonging: a culture of place* (2009) 2.
[3] Act no 41 of 1950. Hereafter called the Group Areas Act.
[4] M Arvin, E Tuck & A Morrill 'Decolonizing feminism: challenging connections between settler colonialism and heteropatriarchy' (2013) 25(1) *Feminist Formations* 8.
[5] The term intersectionality was first coined by Kimberle Crenshaw in her 1989 work 'Demarginalising the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine Feminist Theory and Antiracist Politics' *University of Chicago Legal Forum* 139.

and processes that were commonly used in colonial situations as a means of population control. I begin by addressing whether the right to the city is inextricably linked to dignity and humanity and in doing so portray that townships served and continue to serve as colonial enclaves geographically demarcating zones of non-being while simultaneously affirming settler protection from perceived and imaginary threats; and that the violent taking of land directly impacts the humanity of the colonised. Then in the second point I consider the ways in which the law either obstructs or facilitates spatial justice in a (post)colonial and (post)apartheid context by interrogating how colonial legal classifications were racially and territorially inscribed, organized to divide affluent and developed white spaces from homelands and townships in ways that determined who had legal rights, who was exploitable, and who could be killed with impunity.[6] Following that I consider the implications of racialized, gendered and classed geographical boundaries, if it can be said that belonging is co-constitutive, by reflecting on how existing relations of dominance are continually reaffirmed through pervasive issues of gender, race and racism in the law as the law is the regulator of spaces between places, connecting and severing urban beings, urban objects, urban desires and fears, amongst themselves and with whatever is imagined to be outside the urban. Aileen Moreton-Robinson maintains that white patriarchs designed and established the legal and political institutions that control and maintain the social structure under which we now live by creating judicial and legal impediments that were presented as though they are race blind. The intersection between race and property continues to play a definitive role in constructing and affirming Indigenous dispossession. The idea of the law having an inside and outside determines boundaries, and boundaries which have been constructed from a place of power, invoke a closure.[7] What follows in the third point is a query into whether the violent, dehumanising and ostracising nature of the Group Areas Act trapped townships in a state of perpetual non-development and not merely underdevelopment; and whether the legacy of harm of the Group Areas Act both temporal and structural as a result of this. Lastly, I make my closing remarks.

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[6] R Mawani 'Law, Settler Colonialism, and 'the Forgotten Space' of Maritime Worlds' (2016) 12 *Annual Review of Law and Social Science* 115.

[7] A Moreton-Robinson 'The possessive logic of patriarchal white sovereignty: The High Court and the Yorta Yorta decision' (2004) 3(2) *Borderlands* 3

CHAPTER TWO: CONCEPTUALISING DIGNITY AND HUMANITY SPATIALLY

"While segregation is no longer a legally imposed norm anywhere, in most places separatism is the unspoken but accepted rule. And since many black people self-segregate, they unwittingly collude with racist whites in maintaining racial segregation in housing" -- bell hooks[8]

Social differences shape the life of the city. The varied inequalities experienced in daily life suggest intersecting power structures at multiple scales and the operation of power across space.

2.1 Locating dignity and humanity

The theme of Human Rights in South Africa is at the core of our reckoning with our past and our aspirations for an African egalitarian future within the complex and compelling politics of our time. Attempts to (re)construct a political and legal infrastructure, centered on justice, recognition and accountability, relies on a sophisticated grasp of the ways in which discourses and the practical impacts of human rights are imbricated with topics of philosophy, indigeneity, law, economics and history. Land is a domain of territoriality and a site of power and the primary site and surface of the colonial struggle for the purposes of this dissertation.[9] As a settler colony South Africa was built on the violent dispossession of land and the subjugation of the black majority. Systems of spatial or territorial control associated with the former racist apartheid regime are a symbolic reference to all forms of cultural domination and oppression arising from spatial strategies of segregation and boundary making. Apartheid comes from the Afrikaans word for "separateness" so it makes sense that the imposition of these powerful colonial geographies were rationalized through ideological variants of orientalism that were intended to dehumanize the colonial 'other'.

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[8] bell hooks writing about how black living in the midst of racial apartheid come to fear whiteness and stay away from white people long after accepted racial segregation and legalized anti-discrimination laws in her book *Belonging: a culture of place* (2009) 77.

[9] Mawani (n 6 above) 116.

To answer the question of whether the right to the city is inextricably linked to dignity and humanity I turn to the concept of the right to the city which was formulated by Henri Lefebvre and re-establishes the urban foundations of seeking justice, democracy, and citizen's rights. The right to the city is partly aimed at the fair and equitable distribution of urban resources.[10] The city can be understood as being a space and place of social and economic advantage that results in uneven development of that which falls outside the city. Through planning and public policy, the inequitable and unjust distributions of social resources affect not only those living in the city proper as its influences reverberate everywhere through the operations of the state and the market.[11]

Urban sociologist Robert Park once noted that the city is:

> Man's most consistent and on the whole, his most successful attempt to remake the world he lives in more after his heart's desire. But, if the city is the world which man created, it is the world in which he is hence-forth condemned to live. Thus, indirectly, and without any clear sense of the nature of his task, in making the city man has remade himself.[12]

According to this, the right to the city is a collective right over the processes of urbanisation. In this sense, the right to the city is a claim over the way our cities are (re)made in a radical way.[13] Mark Purcell provides that Lefebvre never imagined legal rights as God-given or written down by constitutional framers; rather he envisioned them as the manifestation of political action, as the collective claims of mobilised citizens to reclaim political power from the state.[14] For Lefebvre, the right to the city involves a politics that places urban space at the very heart of its vision. In *The Production of Space* he writes:

> Any revolutionary project today… whether utopian or realistic, must, if it is to avoid hopeless banality, make the reappropriation of the body, in association with the reappropriation of space, into a non-negotiable part of its agenda.[15]

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[10] E Soja 'Building a spatial theory of justice' (2010) *Seeking Spatial Justice* 83.
[11] Soja (n 10 above) 96.
[12] D Harvey 'The Right to the City' (2012) *Rebel Cities from the Right to the City to the Urban Revolution* 3-4
[13] Harvey (n 12 above) 5.
[14] M Purcell 'Possible Worlds: Henri Lefebvre And The Right To The City' (2014) 36(1) *Journal Of Urban Affairs* 146
[15] Purcell (n 14 above) 148.

Doreen Massey conceptualises space in terms of a "four-dimensional 'space-time' and… as taking the form not of some abstract dimension but of the simultaneous coexistence of social interrelations at all geographical scales" and place as "formed out of the particular set of social relations which interact at a particular location" and in turn produce new social effects.[16] The city is one such place. The concept of the right to the city was formulated by Henri Lefebvre and re-establishes the urban foundations of seeking justice, democracy, and citizen's rights. It is partly aimed at the fair and equitable distribution of urban resources.[17] The city can be understood as being a space and place of social and economic advantage that results in uneven development of that which falls outside the city. Through planning and public policy, the inequitable and unjust distributions of social resources affect not only those living in the city proper as its influences reverberate everywhere through the operations of the state and the market.[18] According to Lefebvre simply by being an urban resident, the city dweller can make use of and access the advantages of city life, can participate in the production of urban spaces, is provided with public services for health, education and welfare and avoids compulsory spatial segregation.[19] Geographies and histories are simultaneously social and spatial and are not natural or facts but produced. Both Lefebvre and Michel Foucault view space as a dominant shaping force in society and politics that can be changed through human action by the very nature of their being produced by humans.[20]

David Harvey expanded the concept of territorial justice in his work *Social Justice and the City*. The original concept sought for the allocation of public services in ways that actually met social needs. Harvey described territorial justice as the search for a just distribution of social resources justly arrived at. He was interested in linking the resulting unjust geographies with the discriminatory practices and unjust processes that produced them.[21] Spatial justice is a way of looking at justice from a critical spatial perspective. It involves the fair and equitable distribution in space of socially valued resources and the opportunities to use them. It is concerned with uncovering the biases imposed on certain populations because of their geographical location

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[16] D Massey 'A place called home' (1994) *Space, Place and Gender* 168.
[17] E Soja (n 10 above) 83.
[18] Soja (n 10 above) 96.
[19] Soja (n 10 above) 99-100.
[20] Soja (n 10 above) 104.
[21] Soja (n 10 above) 81.

and the processes that produce these outcomes. The political organization of space such as colonial geographies of social control, segregation and territorial apartheid are powerful sources of spatial injustice. Racism, patriarchy, heterosexual bias and other forms of discrimination exacerbate spatial injustice. A foundational principle for sustaining human dignity and fairness is eliminating injustice as far as possible.[22]

For Edward Said the cultural construction of the colonized 'other' as subordinate and inferior beings are expressed in defined and regulated spaces. The political organisation of space produces oppressive and unjust geographies. [23] The apartheid system of spatial or territorial control created unjust geographies through legislation, ideological rationalization, violent political action, strategies of segregation and boundary making. Urban spaces were partitioned down to street level to achieve racial-spatial purity where the best-developed areas were reserved for the dominant white minority even if it meant displacing and spatially dispossessing long-established African, Coloured and Asian residents. This was done to assure disproportionate socio-economic advantage for the colonisers versus the colonised through strategies designed to produce beneficial geographies for the former. These unjust geographies of underdevelopment persist to this day and continue to produce cultural domination and economic exploitation. [24] These discriminatory geographies are violations of civil rights.[25] Unjust segregation such as the structures of apartheid, which were imposed as a form of subjugation and control, generate spatial injustice.[26]

In *Culture and Imperialism*, Said focuses on the appropriation of land as the cornerstone of European colonial expansion.[27] Laws populated territories with legal subjects that were positioned against each other through shifting conceptions of freedom and uneven and unequal rights. The right to the city encompasses a struggle for a shared identity and coalition building in the search for spatial justice.[28] It is thus undoubtedly concerned with dignity and humanity both individually and collectively.

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[22] E Soja The city and spatial justice (2009)
[23] E Soja 'On the production of unjust geographies' (2010) *Seeking spatial justice* 36-37.
[24] Soja (n 23 above) 39-40.
[25] Soja (n 23 above) 48.
[26] Soja (n 23 above) 54-55.
[27] Mawani (n 6 above) 111.
[28] Soja (n 10 above) 109.

2.2 The law and spatial justice in a (post)apartheid context

I now examine how colonial legal classifications were racially and territorially inscribed, organized to divide affluent and developed white spaces from homelands, informal settlements and townships in ways that determined who had legal rights, who was exploitable, and who could be killed with impunity.[29] This is done to determine whether the law facilitates or obstructs spatial justice in a (post)colonial and (post)apartheid context.

In 1983 Khayelitsha(which means 'New Home') Township was established by the apartheid government to provide housing to all 'legal' residents of the Cape Peninsula, whether they were in squatter camps or in existing townships, in a single 3220-hectare purpose-built and easily controlled township. This township located on the periphery of Cape Town was built under the principle of racial segregation in the plan of creating 4 towns, each with 30,000 residents in brick houses, a certain number of which were to be privately owned.[30] By 1990 the population of Khayelitsha was 450,000 and unemployment stood at 80%. And by 1995 the population grew to well over half a million people. A large percentage of the populated area was un-serviced and only a few residents had electricity while most families had to fetch water from public taps. People, who were previously deterred by influx control, arrived from the Eastern Cape in search of work and a 'new home'. To date it is the largest township in South Africa. With women forming 52% of the predominantly black (90.05% in 2005) population in Khayelitsha, rates of domestic violence, rape, child abuse and murder increased dramatically during the 1990s and police presence was minimal. Although accurate data was lacking, it was estimated that by 2008 the population of Khayelitsha was over one million.[31]

As noted in the previous sections, equal distribution of education, police and crime prevention, public transport and adequate food, housing and employment form the basic needs of urban life and are encompassed in search of spatial justice and the

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[29] Mawani (n 6 above) 115.
[30] 'Apartheid shanty towns in Cape Town'
http://www.capetown.at/heritage/history/apart_influx_shanty_art.htm accessed 26 May 2017.
[31] Affordable Land & Housing Data Centre profile on Khayelitsha
http://www.alhdc.org.za/static_content/?p=91 accessed 11 October 2018.

struggles over public space. The densely populated area of Khayelitsha is serviced by three police stations – Khayelitsha, Harare and Lingelethu West. The Khayelitsha Commission was established as a result of the high number of mob killings in the area and the under sourcing of police in the area.[32]

In 2006 a mob killing claimed the life of 19-year-old black lesbian Zoliswa Nkonyana. My reason for clarifying her sexuality and race will become apparent soon. Three women and nine men were arrested for stoning and stabbing Zoliswa to death the fateful February evening for being an openly lesbian teen although it is speculated that 20 men participated in the mob killing. She was stabbed multiple times by several members of the mob and large rocks were used by two members to bash her head in. One of the women accused of her murder turned state witness during the drawn-out trial and described the brutal murder and its senseless nature in a private courtroom almost three years to the day of the murder. It took six years for Nkonyana's murder trial to come to an end. A civic alliance consisting of The Social Justice Coalition, Treatment Action Campaign, Free Gender, Triangle Project and Sonke Gender Justice lobbied, protested and tried to realise justice for Nkonyana and her family. The alliance says that it is estimated that there were about 50 postponements during the trial. The criminal justice system made several blunders and failures from not protecting state witnesses and not securing their presence in court in 2008, to a police sergeant aiding four of the accused to escape from their holding cells in 2010. The nine accused young men were all charged with murder and two charges of attempted murder. All nine men were acquitted on the two charges of attempted murder and five accused were acquitted altogether. On 1 February 2012, only four men were convicted for murder in the Khayelitsha Regional Court and sentenced to 18 years in prison four years of which were suspended. The National Prosecuting Authority spokesperson Eric Ntabazalila said they had asked for the men to receive 15 years each.[33]

In the middle-class Tokai residential suburb of Cape Town under a thirty minute drive from Khayelitsha, the body of a 16-year-old white girl was found naked and bleeding from the face and genitals in March 2016. The body was of Franziska Blöchliger who

[32] W Meyer 'More CCTV cameras needed in Khayelitsha' (2016) http://www.pressreader.com/south-africa/cape-argus/20160901/281565175193856 accessed 26 may 2017.
[33] 'Cape lesbian killers get 18 years' (2012) http://www.news24.com/SouthAfrica/News/Cape-lesbian-killers-get-18-years-20120201 accessed 26 may 2017.

did not return from her jog in Tokai Forest that year. Four men were arrested in connection with her rape, murder and robbery. A bra and T-shirt had been used to strangle her and one of her shoelaces had been used to tie her hands together.[34] Additionally she was robbed of her Apple iPhone, watch and diamond ring. When she did not return from her jog in the afternoon, her family searched for her and her father asked the police to call for more officers to join the search and for a helicopter to look overhead. In no time, neighbourhood watch members had joined in the search and her body was discovered in a bush later that evening. The trial of three of the co-accused was separated and to be heard in the Wynberg Magistrate's Court while the trial of the main accused was sent to the Western Cape High Court.[35] On 7 June 2017, the man who had previously denied raping and killing the teen was sentenced after admitting guilt. The man was sentenced to two life sentences for the rape and murder of the teen with an additional 15 years for the robbery because he could not explain why events transpired the way they did and why the teen was left for dead.[36] The National Prosecuting Authority's Eric Ntabazalila welcomed the two life terms handed to the man saying:

> It's the sentence that fits the crime and we hope it does send out a message that these types of crimes against women and children will not be tolerated.

Despite the similarities in place and history, the disparities in the manner in which both cases were handled speaks loudly to the racial and territorial inscriptions of spatial injustice in Cape Town. Franziska's murder received widespread media coverage due to its 'shocking and heinous nature', had strong police support, was escalated to the High Court very early on and her death was vindicated in just over a year since it happened. She was described as a 'good girl who didn't have a boyfriend' which was undoubtedly meant to insinuate her child-like purity. Zoliswa was not afforded any narrative that would make her 'human' or a 'child' and garner national anger and warrant a harsh ruling. Despite the brutal nature of her murder and the terrifying implications it had for her community, Zoliswa's case was

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[34] 'Franziska fought back in Tokai Forest attack, court hears' (2016) http://www.news24.com/SouthAfrica/News/franziska-fought-back-in-tokai-forest-attack-court-hears-20161209 accessed 26 May 2017.
[35] J Etheridge 'Trial of Tokai forest murder accused sent to High Court' (2017) http://www.news24.com/SouthAfrica/News/trial-of-tokai-forest-murder-accused-sent-to-high-court-20170118 accessed 26 May 2017.
[36] S Fisher 'Franziska Blochliger's killer handed double life sentence' (2017) http://ewn.co.za/2017/06/07/alert-franziska-blochliger-s-killer-handed-double-life-sentence accessed 13 June 2017.

unreported, not escalated to the High Court, broke the record for the most postponements of a South African trial and the National Prosecuting Authority wanted lighter sentences for the accused men.

This leads me to wonder if the regulated space of Cape Town continues to culturally construct the poor black majority as the subhuman 'other'? In answering the question of the human Judith Butler asks three questions. Firstly, "who counts as human?"; secondly, "whose lives count as lives?"; and lastly, "what makes for a grievable life?".[37] Violence is a primary way in which human vulnerability to other humans is exposed. This vulnerability is a part of bodily life and is exacerbated by social and political conditions.[38] Lives are supported and maintained differently: certain lives will be fiercely protected and the violation of their sanctity will mobilise many to action while other lives will not find such support or even qualify as 'grievable'. This becomes apparent in the type obituary where lives are humanised, described as happy, Christian and the prospect of their monogamous heterosexual unions are summarised immediately. These are differential relations to life that have been naturalised as falling within 'human' by the West. The cultural frames for our conception of the human set limits to the type of losses we affirm as loss. Is the loss of someone not naturalised 'human' but 'other' a loss? To this Butler asks "…what and where is the loss and, how does mourning take place?".[39] When humans are not regarded as humans based on their sexuality, race, gender or able-ness, they cannot simply be inserted into the existing ontology. From the perspective of violence, those who have been relegated to the periphery of 'human' and collective imagination cannot be violated. And if they cannot be violated, they cannot be mourned. They cannot be killed since they never seemed to truly live. The obituary is a nation-building instrument for the public distribution of grievability that is aimed at generating national self-recognition. When a life that is not mirrored in our collective imagination as a relatable or relational self is lost, it does not qualify as a life and is thus not a loss nor worth noting. The death is eclipsed by whatever public discourse follows, it is simply ungrievable. [40]

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[37] J Butler 'Violence, mourning, politics' (2004) *Precarious Life: the Powers of Mourning and Violence* 20
[38] Butler (n 37 above) 28-29.
[39] Butler (n 37 above) 32.
[40] Butler (n 37 above) 32-35.

The silence of the media and the failure of the judiciary to condemn Zoliswa's murder makes it clear that there was no national identification with the victim of the violence. Franziska's baby photos appeared in newspapers, her kind nature and interest in fitness were often cited online. Her humanisation made her feel familiar. She could have been a friend, a sister, the girl who sat next to you in class- she could have been you or me. This familiarity established the grounds for a human life that was grievable through the commonality of her vulnerability. [41] The recognition of vulnerability has the power to alter the very structure and meaning of vulnerability as the recognition is a precondition for humanisation. Where existing norms of recognition are attributed to a human subject their vulnerability is sustained. Zoliswa's location on the outside or periphery of national recognition produced the unjust treatment of her death. She was not 'you' or 'I' nor 'we' or 'us'.[42]

The systemic violence and inequality that shape women's lives in marginalized communities is co-constitutive, which is why women are vulnerable to gender-based violence. Jennifer L. Fluri and Amy Piedalue go about the work to:

> Take up the issue of gender violence, and do so in relation to women's and girls' lives, but their work insists upon understanding gendered vulnerability beyond individualized situations of interpersonal violence…to understand how women's embodied experiences reveal the relational production of geopolitical and geo-economic violence through systematic and institutional forms of oppression.[43]

The body crosses over the constructed spatial boundaries of private vs. public, of the intimate and the systemic. Thus revealing the ways in which oppressions intersect in constructing vulnerability to violence. A geographic exploration of embodied violence can illuminate the ways in which raced, sexed and gendered bodies experience vulnerabilities that are ignored or rendered invisible through the collusions of structural and institutionalized violence through the manipulation and legitimization of existing marginalization of communities. [44] Representations of gender based violence position culturally 'othered' or racially marginalized communities as inherently prone to conflict and accepting of gender-based violence when these are

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[41] Butler (n 37 above) 38.
[42] Butler (n 37 above) 43.
[43] J L. Fluri & A Piedalue 'Embodying violence: critical geographies of gender, race, and culture' (2017) 24(4) *Gender, Place & culture* 536
[44] Fluri & Piedalue (n 43 above) 536-537.

in fact a result of interlinking spatial and gendered corporeal processes. A geographic perspective on gendered violence, race, and culture makes visible connections between intimate forms of violence and systemic/institutional/structural/state violence. The spatiality of violence highlights the intersections of mutually constitutive forms of violence and resistance.[45]

Violence is a social and spatial practice enacted to regulate people through a discipline of space. Violence is not separable from pervasive structures of race, sex, gender, class, etc. Intimate forms of gendered violence are inextricably linked to structural inequalities, institutionalized violence, and the economic and political marginalization of black women and are pathologised as 'culture' or 'customary/sacred traditions'. Spatial exclusion and structural violence generate black women's precarity and can consequently increase their vulnerability to intimate forms of violence. The spatial binaries of public and private need to be resisted to better understand the multiple complexities that are spatially embodied through disparate experiences of violence.[46]

Edward Said defines orientalism as:

> A distribution of geopolitical awareness… which create, maintain, and have the intention to understand, control, manipulate, and incorporate that which is manifestly different through a discourse that is produced and exists in an uneven exchange with various kinds of power: political, intellectual, cultural, and moral.[47]

Simon Springer argues that orientalism maintains the assumption that "violence sits in places". He argues for a radical rethinking of place that transforms how we see violence. He provides that violence can be "understood as an unfolding process, arising from the broader geographical phenomena and temporal patterns of the social world."[48] The structural violence of poverty and inequality stem from the political economies of neoliberalism. Violence influences the (re)production of space. A geography of violence entails the understanding that violence has a bearing on social space and experiential place as they establish each other. Violence is only one of the contours of place but place is the site where violence is most easily

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[45] Fluri & Piedalue (n 43 above) 538.
[46] Fluri & Piedalue (n 43 above) 539-540.
[47] S Springer 'Violence sits in places? Cultural practice, neoliberal rationalism, and virulent imaginative geographies' (2011) 30 *Political Geography* 90
[48] Springer (n 47 above) 91.

visible. Springer posits that violence is produced by "cultural performances whose poetics derive from the sociocultural histories and relational geographies of the locale". [49] Thus violence can form part of a culture, but cannot be the solely defining characteristic of a culture. This must be born in mind as our attitudes about particular 'other' geographies often influence how we feel about the people who inhabit them.[50] Violence does not occur in isolation from the wider matrix of space; it cannot be specific to place or culture as complex relational geographies give rise to its formation and expression.[51]

If the right to the city encompasses a struggle for a shared identity and coalition building in the search for spatial justice, these two cases illustrate that the organisation of Cape Town and Khayelitsha produce oppressive and unjust geographies and the spatialisation of legal violence. It is our fears and anxieties about Khayelitsha that inform our apprehension to the place and that influence the discourses on both the people who live and the place. It is a space that has been culturally and historically constructed as 'other' from a place of power. The widely held beliefs that it is an inherently dangerous and violent place must be challenged because they are based on gender-laden and racially derogatory assumptions that are static, isolated and place-based.

[49] Springer (n 47 above) 92-93.
[50] Springer (n 47 above) 93-94.
[51] Springer (n 47 above) 95.

CHAPTER THREE: THE CO-CONSTITUTIVITY OF BELONGING

"A female lurking, lingering, lounging on a street corner is seen by everyone, looked at, observed. Whether she wants to be or not she is prey for the predator, for the Man, be he pimp, police, or just passerby. In cities women have no outdoor territory to occupy. They must be endlessly moving or enclosed. They must have a destination. They cannot loiter or linger."—bell hooks[52]

A critical geographic approach to race asks questions of belonging and (dis)placement while critical race theory places emphasis on historical trajectory. What follows next will be a transdisciplinary exchange of insights on legally facilitated, justified and normalised inclusion, exclusion and power.[53]

3.1 The spatialisation of race and the racialisation of space

The issues of land, property and belonging in Australia do not address the specific context of either South Africa or townships, but they provide me with a starting point for a theoretical framing that is suitable for the purposes of this dissertation. Spatial power and domination produce the outside world and spatialize difference resulting in the ways non-white racial bodies can or cannot occupy space.[54] From this it is clear that social injustices are expressed spatially in uneven geographies and the production of space.[55] In his work *Social Justice*, Harvey provides that distinctive human practices create and make use of distinctive spaces and space thus has social effects.[56] Place can provide a stable basis for identity. Ethnicity and gender

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[52] bell hooks writing on patriarchal territory and the patriarchal belief that the 'proper' place for women is inside the home, making the world comfortable for the patriarch in her book *Belonging: a culture of place* (2009) 143.

[53] P L. Price 'At the crossroads: critical race theory and critical geographies of race' (2010) 34(2) *Progress in Human Geography* 150-153.

[54] K McKittrick 'bell hooks' elaborating on geographers' reflections on bell hook's work on the ways space and place adversely shape black subjectivities and choices in P Hubbard & R Kitchin (eds) *Key thinkers on space and place* (2011) 245.

[55] McKittrick (n 12 above) 247.

[56] N Castree 'David Harvey' in P Hubbard & R Kitchin (eds) *Key thinkers on space and place* (2011) 237.

are deeply implicated in the ways in which we inhabit and experience space and place.[57]

The intricacies of how regulated spaces are shaped so that some subjects belong and others do not are enunciated by Sarah Keenan. She argues that property is a spatial formation that occurs when relations of belonging are held up by the spaces in and through which those relations exist. Furthermore that belonging to categories associated with identity such as whiteness or heterosexuality can be understood as property in the same way that ownership of land can.[58] Theorising property as a spatial formation proposes the possibility of an alternative political agenda for property as property affirms the status quo yet is malleable.[59] Property has long been theorised as an extension or an essential part of the subject by prominent philosophers. John Locke and Georg Hegel both defined property as that which is an essential part of the proper subject. The proper subject for both philosophers is always exclusively white and male.[60] Legal theories of property highlight that property is not just an extension of the subject but also a relationship between subjects. In this regard Cheryl Harris argues that property rights are rooted in racial domination to the extent that whiteness is in fact a form of property to the extent that it was established as a protected legal category from which others were excluded.[61] The legacies of slavery and conquest essentially maintain the status quo of a socio-economic system entrenched in racial inequality through the law. The property right that is whiteness is exercised through the enjoyment of exclusive privileges that accrue to white people by virtue of being white. Thus it can be said that race is an essential part of constituting subjectivity.[62] Property is constituted by spaces, relations and networks, the choreography of which either result in belonging or exclusion. Relations of belonging are recognised, accepted and supported or as Keenan refers to it 'held up' in ways that have a range of enabling effects and consequences. Property is thus understood not as something essential to or

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[57] Massey (n 16 above) 163-164.
[58] S Keenan 'Reshaping malleable spaces of belonging' (2015) *Subversive Property* 65.
[59] Keenan (n 58 above) 66.
[60] Keenan (n 58 above) 68.
[61] Keenan (n 58 above) 70.
[62] Keenan (n 58 above) 70.

inseparable from the subject, but as a relationship that needs to be constantly reproduced by the space surrounding it.[63]

Legal relations of belonging cannot function if they are not held up by space more broadly.[64] If property is understood as a relationship of belonging held up by space, where space is dynamic and heterogeneous, then property cannot be defined or produced through law alone.[65] The political organisation of space is maintained by the legal system.[66] It must be legally recognised that location in space is itself a source of discrimination, not on considerations of characteristics of identity, but based on the ability to access location-related privileges and the ability to meet fundamental human needs.[67]

Race is not a biological truth but a powerful social and discursive construct about difference that appears fixed and 'true' and the law is a discursive and material force that produces race.[68] Race was and is fundamental in shaping the development of Australian law just as it has influenced the structure of law in other former colonies. Aileen Moreton-Robinson describes patriarchal white sovereignty as "a regime of power that derives from the illegal act of possession and is most acutely manifested in the form of the Crown and the judiciary".[69] Attempts to eradicate indigenous peoples, through dispossession, assimilation, incorporation, and death relied on legal processes.[70]

Understanding property as a relationship of belonging held up by space, where space is dynamic and heterogeneous, means property cannot be defined or produced through law alone. While a subject is oriented in a particular way in space or embedded in a particular position within networks of relations, she is held up as belonging there, as having property. Her orientation in that space determines whether or not she belongs there which in turn affects her subjectivity. Being properly or improperly oriented in a space affects what is possible for the subject and

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[63] Keenan (n 57 above) 81.
[64] Keenan (n 57above) 71-73.
[65] Keenan (n 57 above) 76.
[66] Soja (n 23 above) 46.
[67] Soja (n 23 above) 50.
[68] S Keenan 'Smoke, curtains and mirrors: the production of race through time and title registration' (2016) *Law Critique* 14
[69] Moreton-Robinson (n 7 above) 2.
[70] Mawani (n 6 above) 115.

who she is. Sarah Ahmed argues that spaces take shape through the habitual actions of bodies.[71] Thus property depends on space and simultaneously has a material effect on space. Property requires a space that will hold up particular relations of belonging; but it also (re)produces a particular space that is shaped such that it continues to hold up those relations. [72]

The intersection between race and property continues to play a definitive role in constructing and affirming indigenous dispossession. The idea of the law having an inside and outside determines boundaries, and boundaries which have been constructed from a place of power, invoke a closure.[73] Colonising states build a white nation based on the exclusion and inclusion of indigenous people.[74] Existing relations of dominance are continually reaffirmed through pervasive issues of gender, race and racism in the law as the law is the regulator of spaces between places, connecting and severing urban beings, urban objects, urban desires and fears, amongst themselves and with whatever is imagined to be outside the urban.

The heterogeneous and dynamic nature of space is such that the dominant social forces protected by or at least consistent with law will always be in tension with other (indigenous included) relations and networks.

Belonging is thus co-constitutive. Although dominant social forces did not recognise the murder of Zoliswa as a national wrong, within her own community and communities opposing those social forces her life was grieved and she belonged.[75]

3.2 The impact of racialized, gendered and classed geographical boundaries on belonging

Spatial organisation often refers to where people may or may not go and who belongs or does not belong and where. Race and sex/gender have different histories in terms of social and political construction, that must equally be examined separately, but both notions were entrenched within the processes of colonialism

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[71] Keenan (n 58 above) 85.
[72] Keenan (n 58 above) 85.
[73] I Watson 'Buried alive' (2002) 13 *Law and Critique* 255.
[74] Watson (n 73 above) 263.
[75] Keenan (n 58 above) 94.

and are significant in the expression of social power. The development of South African society is so gendered and racialized that an analysis of the spatial expression of everyday life failing to take this reality into account would not be accurate.

The mutual constitutivity of the social and the spatial are how race and space connect as racial formation shapes space and gives meaning to places. As a result, race, gender and class are not merely reflections of spatial arrangements; rather spatialities should be understood as constituting or reinforcing race, gender and class.[76]

Racialized and gendered geographical boundaries either maintain or challenge the spatial conditions for the construction of whiteness. These ideological foundations meet other axes of power to produce power-laden spatialities of everyday life. The spatial conditions involved in the reproduction of whiteness begin with reflection on the spatial conditions under which one learns that one is not white, rather that one is 'other'. Spatial metaphors give force to how racialization occurs through inherited conceptions of race. Boundaries have material effects and are not merely metaphorical. They represent a racial line that supports the subordination and oppression accompanying the 'other' and the privilege and status of whiteness through geographical movement. The identities of "white" and "other" are historically specific and conditioned by age, class and gender. This means that there are certain locales where race unfolds.[77] Houston Baker explains the relationship between space, place, and power further in saying:

> If one, however, is constituted and maintained by and within the boundaries set by a dominating authority, then one is not a setter of place, but a prisoner of another's desire. Under the displacing impress of authority even what one calls, and perhaps feels is one's own place is, from the perspective of human agency, placeless.[78]

Displacement, dislocation, and relocation should thus also be understood as race-making processes. Geographies of race highlight the role of spatialities in the maintenance of structures of domination, subordination, and inequality and how these are experienced by non-white people. Geographies of race intersect with other

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[76] D Delaney 'The Space That Race Makes', (2002) 54(1) *The Professional Geographer* 7.
[77] Delaney(n 76 above) 7-10.
[78] Delaney (n 76 above) 10.

elements of the social, such as gender, class and sexualities, which have their own spatialities.[79]

Spatiality is an important element of economic and social reproduction. The making and remaking of space is also about the making and remaking of race. Jennifer Nelson emphasised that "groups marked as racially inferior" have been "defined, confined, regulated, and eradicated...through the control of space".[80] As people, we identify with and develop attachments to particular places. The underlying power relations then inform the meanings and attachments people ascribe to particular places. Lefebvre confirms that "one of the consistent ways to limit the economic and political rights of groups has been to constrain social reproduction by limiting access to space".[81] Doreen Massey is in agreement and goes on to contend that space is, in fact, "a complex web of relations of domination and subordination, of solidarity and cooperation".[82] She further adds that places are raced and gendered and this is how placement maintains inequality due to the fact that some people are able to move freely and others are forced to move or forced to remain. [83] Massey then provides that "since social relations are bearers of power, what is at issue is a geography of power relations in which spatial form is an important element in the constitution of power itself".[84]

To better understand the current racial order, it is important to understand the ways that spaces reinforce power structures from the social inequalities of everyday interactions to larger structural levels. The racial segregation of apartheid is an example of the ways in which it is clear that space is a tangible manifestation of systemic racial inequalities. In her work on the social analysis of race, Caroline Knowles provides that:

> Space is an active archive of the social processes and social relationships composing racial orders. Active because it is not just a monument, accumulated through a racial past and

[79] Delaney (n 76 above) 10-11.
[80] B Neely & M Samura 'Social geographies of race: connecting race and space' (2011) 34(1) *Ethnic and Racial Studies* 1934.
[81] Neely & Samura (n 80 above) 1936.
[82] Neely & Samura (n 80 above) 1936.
[83] Neely & Samura (n 80 above) 1933 -1937.
[84] Neely & Samura (n 80 above) 1940.

present - although it is also that - it is active in the sense that it interacts with people and their activities as an ongoing set of possibilities in which race is fabricated.[85]

Sherene Razack maintains that in a white settler society, like ours, we must consider the connections between racial and spatial processes, especially since "legal and social practices...reproduce racial hierarchies" through space.[86] Space and race involve 'other-ing' processes that establish and maintain particular racial and spatial positioning as held by Edward Said noted above. To this understanding I insert Cheryl Harris who asserts that whiteness and white privilege encompass a sense of belonging and entitlement to space that is essentially defined by exclusion and subjugation through historical and systemic unjust (dis)placement of non-whites.[87] This serves to further white supremacy. Applied within a South African setting, what Eric Heikkila argues for spaces like "the ghetto" can be applied to townships. He argues that they are a manifestation of the phenomenon of spatial forms of racial other-ing. [88]

David Delaney suggests that groups of non-whites are systematically spatially organized in ways that undermine their well-being through racial segregation. It can be difficult to navigate and understand how, at this point in time, race and racism continue to operate when it has been over two decades since the formal end of apartheid. Substantial and material racial segregation is still a reality and although the formally unjust practices were found to be legally unconstitutional, they have continued and possibly even increased. Linking race, gender and space helps us understand how the nature of their formation manifests over the meanings and uses of space.[89] The intersection of race, gender, class and space highlight the multiplicity of the social processes and practices at work simultaneously.

Ceri Peach's work on segregations provides that spatial patterning affects social processes and can be controlled by positive or negative social engineering in that it influences with whom one interacts.[90] In terms of language, friendship and marriage,

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[85] Neely & Samura (n 80 above) 1940.
[86] Neely & Samura (n 80 above) 1943.
[87] Neely & Samura (n 80 above) 1944.
[88] Neely & Samura (n 80 above) 1944.
[89] Neely & Samura (n 80 above) 1945-1946
[90] C Peach 'The Meaning of Segregation' (1996) 11(2) *Planning Practice and Research* 141

highly segregated areas produce groups that are less likely to interact with people who live further away. Within a South African context, this means that groups further away from the city are less likely to speak English or are more likely to speak vernacular English and indigenous languages only; they are less likely to befriend and marry people who do not live within their community. What is true of marriage and friendship is also true of violence. Intra-group violence and gang or mob related murders are more likely than inter-group violence and murders. [91] Apartheid spatial planning was concerned with segregation that kept non-whites out of the dominant whites' residential areas through legally enforced legislation. This is apparent from the fact that Khayelitsha is slightly over 30km south east from the city centre of Cape Town so that its presence would not inhibit white urban development in the city itself.[92][93] What also resulted was an increase in single mother female headed households because of property allocation and an inability to negotiate.[94] Surveys conducted in Khayelitsha in 2005 showed that 46% of those who had already been living at their present address for more than five years were said only to be able to speak Xhosa. This is a powerful indication of the social and cultural isolation of Khayelitsha from the rest of Cape Town.[95]

One of the long-term impacts of racialized, gendered and classed geographical boundaries is that in-access to current-day white residential areas is presumed to be a class matter resulting from poverty and is disconnected from race and gender. If income alone was the consideration for lack of distribution of black people in white residential areas then wealth would only explain a percentage of the segregation. Segregation arising from racialized and gendered geographical boundaries effects social interaction and behaviours to the presence of 'outsiders'.[96]

Doreen Massey contends that the relations within the economy are the primary foundation of class structure, which are constituted in relation to each other. The different classes in society are defined in relation to each other and the overall

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[91] Peach (n 90 above) 141-142.

[92] Peach (n 90 above) 145.

[93] 'Travel Like a local: Your neighbourhood guide to Khayelitsha' www.capetown.travel/visitors/city-areas/cape-flats/travel-like-a-local-your-neighbourhood-guide-to-khayelitsha/ accessed 13 September 2018.

[94] Peach (n 90 above) 146.

[95] A du Toit 'Chronic and structural poverty in South Africa: challenges for action and research' (2005) *PLAAS Chronic Poverty and Development Policy Series No.6* 11.

[96] Peach (n 90 above) 148-149.

division of labour. The spatial structuring of the relations of production therefore relate to the concept of uneven development. These unequal relationships imply positions of domination and subordination. Unequal class relations are organized spatially and are an important element of uneven development.[97] Spatial structures of the relations of production can involve geographical separation and may involve systems of unequal power relations. The spatial ordering of the relations of production are dimensions along which run relations of power and control, of dominance and subordination which develop in systematic ways in a capitalist society. The performance of particular functions within society is part of what defines groups within the class structure and within the overall relations of production. [98] Distribution of distinct occupational groups is a reflection of the structuring of inequality between those areas. Spatial divisions of labour are mutually defining. Thus the social and functional characteristics of some areas define the social and functional characteristics of other areas. Massey gives the example that "if one region has all the control functions, and only control functions, then other regions must have all the functions which are controlled, the subordinated functions".[99]

The geography of the social relations of production results in uneven development in capitalist societies and is the basis of the geography of class. Geography of class refers to the spatial structures of place within the relations of production and the spatial clustering groups in terms of their distance from the rest of the economy.[100] One's position within the unequal division of labour within society relies on participation in and possession of strategic levels of power and control over the economy as a whole. It is widely known that townships served as 'labour pools', created through central planning, to serve the broader colonial and apartheid economies. A contingent characteristic of the spatial structures of townships is that the groups (non-whites) in them have not changed in the past few decades and neither have other characteristics such as their distance from the rest of the economy and the income and status of these groups. [101] If the social and functional characteristics of townships have not changed from their social and functional

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[97] D Massey 'Uneven Development: Social Change and Spatial Divisions of Labour' (1994) *Space, Place and Gender* 87.
[98] Massey (n 97 above) 87.
[99] Massey (n 97 above) 86-89.
[100] Massey (n 97 above) 105
[101] Massey (n 97 above) 101-105.

characteristics under apartheid then they will continue to produce the same geography of class because spatial divisions of labour are mutually defining.

The impact that racialized, gendered and classed geographical boundaries have on belonging is quite extensive. The cause and effect are thus that white supremacy will either be challenged or maintained, which spells disaster for black South Africans if maintained; that gender based violence and female headed households may increase; and lastly that without changing the social and functional characteristics of spatial divisions of labour then the same class groups will continue to be (re)produced.

CHAPTER FOUR: THE GROUP AREAS ACT

"All my life I have searched for a place of belonging, a place that would become home. Growing up in a small Kentucky town, I knew in early childhood what home was, what it felt like. Home was the safe place, the place where one could count on not being hurt. It was the place where wounds were attended to. Home was the place where the me of me mattered. Home was the place I longed for, it was not where I lived." – bell hooks[102]

Along with the Prohibition of Mixed Marriages Act, the Immorality Amendment Act and the Population Registration Act, the Group Areas Act was considered one of the four pillars of apartheid. The preamble of the 1966 Group Areas Act read that it was enacted:

> To provide for the establishment of group areas, for the control of the acquisition of immovable property and the occupation of land and premises, and for matters incidental thereto.[103]

Although enacted in 1950, the Act was consolidated in 1966 by Act No. 36 of 1966. And it was condemned by the United Nations General Assembly.[104] As a settler colony South Africa was built on the violent dispossession of land and the subjugation of the black majority through processes of legal enactment and spatial planning mechanisms. Systems of spatial or territorial control associated with the formerly racist regime of apartheid are a symbolic reference to all forms of cultural domination and oppression arising from spatial strategies of segregation and boundary making.

4.1 The Group Areas Act

To develop a better understanding of a critical race spatial analysis of the Group Areas Act I turn to Verónica Vélez who defines critical race spatial analysis as the study of the role of race, racism and memory in geographic as well as social spaces

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[102] bell hooks contemplating habits of being that would bring us closer together and help build a beloved community in her book *Belonging: a culture of place* (2009) 216.

[103] B Higgs 'The Group Areas Act and Its Effects' (1971) 3

[104] Higgs (n 103 above) 4.

and working towards challenging racism and all forms of oppression within these spaces due to its roots in critical race theory.[105] It is the spatial exploration of how structural factors shape racial dynamics and the power associated with those dynamics over time. It is concerned with how space is divided, constricted and constructed along racial lines. And as such, it is the transdisciplinary theory of racial formations as a product of historically specific geographies and how race-based ideologies produce nuanced, power-laden aspects of space over time and normalize 'white' landscapes.[106] One of the main questions critical race spatial analysis seeks to answer is: "How do race and racism shape space, give it meaning, and condition the experiences of Communities of Colour?"[107]

For Edward Said, colonizing power and the imaginative geographies of Eurocentric orientalism, the cultural construction of the colonized 'other' as subordinate and inferior beings, are expressed poetically and politically in defined and regulated spaces.[108] Imperialism, he writes, is "thinking about, settling on, controlling land that you do not possess, that is distant, that is lived on and owned by others".[109] Said defines colonialism as a project of dispossession and reterritorialization that required European empires to do "something about its indigenous residents".[110] Laws populated empires with legal subjects that were positioned against each other through shifting conceptions of freedom and uneven and unequal rights. [111]

From as early as the 1850s allocation of land to segregated 'locations' for people other than the dominant whites and those whom they wanted close to their own places of residence began to gather momentum in South Africa. The Union of South Africa was established in 1910 and "consolidated the interests of the white population over the black community".[112] Prior to the Union, Africans were entitled to

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[105] V Vélez 'Spatializing Race and Racializing Space: Exploring the Geographic Footprint of White Supremacy Using Critical Race Spatial Analysis'(2017).1-3.
[106] Vélez (n 105 above) 1.
[107] Vélez (n 102 above) 1.
[108] Springer (n 47 above) 93.
[109] Mawani (n 6 above) 111.
[110] Mawani (n 6 above) 112.
[111] Mawani (n 6 above) 111.
[112] L MacMaster 'Resilience Of Faith Communities On The Cape Flats (Sa): A Pastoral Theological Perspective' (2009) 101 *Scriptura* 288.

buy land anywhere in the Cape and Natal.[113] The Housing Act was passed in 1920, which created the Central Housing Board, enhanced already entrenched segregation through public housing and its practice of only approving schemes for specific 'groups'. The Natives (Urban Areas) Act of 1923 provided that cities were 'white' and made provisions for separate residential areas for Africans in these 'white' cities with controls regulating the flow of Africans from towns and reserves to the city.[114]Under the 1923 Natives (Urban Areas) Act local authorities were granted the limited potential power to restrict most indigenous people to townships and compounds. Yet many urban areas remained or grew to be more racially integrated. Neither of the governments in power during the 1920s carried through their proposals for more substantial powers of segregation successfully. In the 1930s there were continued attempts to bring racial residential segregation more comprehensively on to the statute book despite white-dominated local authorities. Between 1937 and 1940 there were attempts to endow Cape municipalities with powers to segregate 'Coloureds' from whites that originated from policy circles in the Gesuiwerde Nasionale Party and Afrikaner Broederbond.[115] The National Party came to power in 1948 on the basis of a manifesto which made the party's commitment to compulsory urban segregation abundantly clear with a cohesive and comprehensive idea.[116] Urban planners found themselves at the heart of the process that the Land Tenure Advisory Board initiated by which 'group areas' would be created. The Group Areas Act imposed a two-part plan: "allocation of racially-zoned land for new areas; and deciding on, and achieving, uniracial areas where many 'groups' lived and worked".[117] In addition to this, three new racial groups were created as sub-divisions of the Coloured group, namely the Indian, the Chinese and the Malay thus creating and defining six racial groups in the country. The other groups provided for were White, African and Coloured.[118]

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[113] I Omar 'The Group Areas Act: A Historical And Legal Review' (1989) *De Rebus* 517. For the purposes of this chapter black people will occasionally be referred to as Africans to keep in line with the language of the policies and legislation referred to in this chapter.
[114] Omar (n 113 above) 517.
[115] A Mabin 'Comprehensive Segregation: The Origins of the Group Areas Act and Its Planning Apparatuses' (1992) 18(2) *Journal of Southern African Studies* 408-411.
[116] Mabin (n 115 above) 419-420
[117] Mabin (n 115 above) 423.
[118] Higgs (n 103 above) 5.

For the purposes of this dissertation I only review the impact that the Group Areas Act had on African people in the Western Cape, to the exclusion of Coloureds. While the impact it had on Coloured people is substantial and meaningful, the limitations of space and the focus of my research do not allow me to delve deeper into this aspect of spatial planning. Until the mid-1950s most black people in the Western Cape lived in privately-owned and rented high density flats and houses scattered around the periphery of the Cape under conditions of abysmal squalor. Local authorities then implemented Government policy that forcibly removed the African population to official 'locations' or moved them out of the area completely.[119] In 1948, not too long after the election of the National Party government, the Minister of Native Affairs, Mr E.G. Jansen, said that a "question which will require very serious consideration is whether the population of Natives in the Western Province must not be reduced very drastically".[120] Various measures were put in place to control the influx of Africans into the Western Cape and to remove those already present 'illegally' during the 1950s. Some of these measures included turning Africans into migrant labourers where they were not already removed.[121] African women in the Western Cape were issued with work permits in 1954 and African men received theirs from 1954-1955. In addition to the destruction of the unregulated areas of residence which were mostly occupied by Africans and their forced removals to 'locations', the Native Affairs Department put an embargo on recruitment of new Africans to Cape Town in 1959. It is important to note that these forced removals only took place in Cape Town and no other parts of the Cape Peninsula.[122]

After group areas removals had been effected, settled communities were moved to completely undeveloped areas with a total lack of facilities that were often much worse than where they were originally based. This was done to manipulate and undermine the standing of the communities and leave them with no other option but to be used as movable units of labour for the dominant whites.[123] The areas designated for non-whites were often too small to accommodate envisioned occupation, let alone future occupation and were often not designed with expansion

[119] M Legassick 'Forced Removals in Greater Cape Town, 1948-1970' (2006) 1
[120] Legassick (n 119 above) 2.
[121] Legassick (n 119 above) 2.
[122] Legassick (n 119 above) 3.
[123] Higgs (n 103 above) 13.

in mind. They were thus overcrowded and underserviced.[124] The then Government uprooted communities, limited their trading capabilities and their opportunities to purchase land to create a permanent source of cheap labour. Under the guise of 'labour preference' for either Coloured or African workers, the Government would either 'encourage' or 'discourage' specific groups from remaining in specific areas. These processes often had a huge impact on women, children and the elderly as they often seen as 'non-workers' and were moved to remote reserves while single men were made to stay in hostels.[125]

For a deeper, more nuanced exploration of 'group areas' I turn to Michel Foucault who speaks of heterotopias, sites that are in contrast to utopias which are sites that present society itself in a perfected form. These heterotopias, which are real sites that can be found within the culture, are sites in which utopias are simultaneously represented, contested, and inverted. Heterotopias differ absolutely from the very sites that they reflect - they are other. [126] Group areas can be understood as heterotopias of deviation: "those in which individuals whose behaviour is deviant in relation to the required mean or norm are placed".[127] They are other cities on the borders and outskirts of the city proper, linked to slices in time. These heterochronies signal zones of non-being for the designated group, "perpetual and indefinite accumulation of time in an immobile place".[128] Group areas presented an opportunity to achieve spatial purity; a cleansing or removal of those seen as other in service of the ideal of a racist white supremacist Afrikaner utopia. [129] South African sociologist Bernard Magubane described Afrikaner nationalism as a:

> National consciousness of a perverse kind. It is a distorted love of one's own people based on hatred, fear, and contempt for others. It misdirects the service to one's own people into the subjugation and exploitation of all other peoples. It is a nationalism that is opposed to a free and independent growth of other nationalities. It spiritualizes the national sentiment into crass economic gains.[130]

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[124] Higgs (n103 above) 16.
[125] Higgs (n 103 above) 17-18.
[126] M Foucault 'Of Other Spaces: Utopias and Heterotopias' (1984) *Architecture /Mouvement/ Continuité* 3-4
[127] Foucault (n 126 above) 5.
[128] Foucault (n 126 above) 7.
[129] Foucault (n 126 above) 5-8.
[130] MacMaster (n 112 above) 289.

Implementation of the Group Areas Act required intense legislative measures and policy interventions and relied on the colonial legacy of harm of its forefathers. The trauma and pain caused by the forced removals of communities is immeasurable. The very nature of the Act ran a powerful colour-line through our country, possibly in perpetuity. Previous racist governments failed to enact racial residential segregation, but once it was achieved the lasting effects were even more permanent that initially envisioned. Undoubtedly, the Act envisioned long-term segregation and the propagation of the dominant whites' property rights long past the rule of the National Party. It could easily have been predicted that the lasting effects of the Group Areas Act would live well into this constitutional dispensation both spatially and in our imaginations.

4.2 The temporal and structural legacy of harm

To begin my temporal and structural exploration of the legacy of harm the Group Areas Act, I turn to Rita Kesselring, a Swiss anthropologist, to enhance our understanding of the intricacies of victims' lives in today's South Africa.[131] In her book she reports on her listening to victims' stories about their losses, their hardships, and their horrific experiences under apartheid rule. At the Truth and Reconciliation Commission, victims shared their suffering and their frustration with a society that thinks political transition inevitably brings about social equality.[132] In her book she talks about the persistence of the apartheid past into the present. Kesselring provides that when systemic violence has become pervasive in a society, its traces will continue to shape the political sphere long after the violence has ended and what we understand to be 'normality' has been restored.[133] She writes that experiences of violence do not simply disappear, but continue to haunt people and to affect the possibilities of sociality.[134] She explores how twenty years after the political transition to democracy, the past remains present in South African society even though transitional justice mechanisms were employed. Her contention is that while discourses shape experiences, embodied experiences of harm are not satisfactorily

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[131] R Kesselring *Bodies of Truth: Law, Memory, and Emancipation in Post-Apartheid South Africa* (2017) 1.
[132] Kesselring (n 131 above) viii.
[133] Kesselring (n 131 above) 1.
[134] .Kesselring (n 131 above) 2.

engaged with by legal discourse.[135] And rather that embodied knowledge has the potential to resists discourses specifically because legal logic does not directly relate to lived experience.[136]

The past has undoubtedly had an impact on the way in which space reproduces unequal social relationships. I rely on the work of Tim Büthe to provide empirical support for my theoretical argument on the temporal dimension of the legacy of harm of the Group Areas Act.[137] As an object of study, history must consist of macro-processes that cover an extensive temporal space. Büthe cautions against the risk of isolating events from the historical processes within which they occur as these deprive us of understanding the event within its temporal sequence. The event is therefore not an independent observation and understanding is best achieved by examining the occurrence as a part of a larger process. Temporality is inherently dynamic since the passage of time makes it more likely that institutions, actors themselves, and their preferences may change; making history "the study of changes of things that change".[138] Following MacAllister, Kuang and Lennon if structural conditions explain people's histories of injustice and oppression, then unpacking how events occur over time will be useful.[139] According to William Blattner time is more than what is generally conceived of as an abstract container of "clock-time".[140] Everyday understandings of time generally present it as a linear progression of time where the past comes before the present which is then followed by the future. For the purposes of this dissertation I conceive of temporality as human perception and experience of time as well as the social organisation of time. This gives time a certain elasticity that is closer to our everyday experience of the past, present and future.[141] I contend that the concretisation of time where events are carefully mapped out leads "time-aggregated typologies (to) lose potentially useful information by summing, averaging, or otherwise summarizing events that occur over time".[142] While my engagement with time is centred on a temporal order of past, present and

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[135] Kesselring (n 131 above) 2.
[136] Kesselring (n 131 above) 2.
[137] T Büthe 'Taking Temporality Seriously: Modeling History and the Use of Narratives as Evidence' (2002) 482.
[138] Büthe (n 137 above) 484.
[139] W McAllister, L Kuang & M Lennon 'Typologizing Temporality: Time-Aggregated and Time-Patterned Approaches to Conceptualizing Homelessness' (2010) 246
[140] W Blattner Temporality (2005) *A companion to Heidegger* 311.
[141] Blattner (n 140 above) 318-321.
[142] McAllister, Kuang & Lennon (n 139 above) 226.

future; I shift between these moments lithely informed by our everyday sense-making that is sometimes the container of clock-time. I am thus able to shift between colonial, apartheid and (post)apartheid periods not as fixed moments, but as temporal frames that enable meaning making from the vantage point of the present.[143]

According to Edward Soja, we are essentially temporal beings and geography and history are the socially constructed extensions of space and time and they are the most important qualities of the physical and social worlds we live in.[144] He also posits that:

> It is over time that we also create our collective selves, construct the societies and cultures, polities and economies within which our individual experiences are expressed and inscribed. Time and its socially produced outcome, history, almost self-evidently define human development and change, create problems and solutions, motivate, complicate, expand, and eventually extinguish our being. Although only under conditions given to us from the past, we make our histories, transform societies, move from tradition to modernity, produce justice and injustice as social attributes, and so much more.[145]

Soja further holds that our existential spatiality and temporality are mutually formative in relation and that spatial thinking ought not to be removed from life's social and historical realities.[146]

How time is experienced and is socially organised differs within societies, cultures and geographies. However, it is generally accepted that we think of time in terms of clock-time, as a linear progression.[147] The linear concept of clock-time that is free from context is often linked to Western thought. It allows "the present moment to be detached from the past and future, and for phenomena to be viewed as isolable entities independent of and emancipated from events".[148]

A decolonial critique of time as put forward by Rolando Vàzquez supposes that linear or chronological time lies at the heart of modernity and coloniality. It is geared

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[143] Blattner (n 140 above) 321-322.
[144] E Soja 'Why Spatial? Why Justice? Why L.A.? Why Now?' (2010) *Seeking Spatial Justice* 15
[145] Soja (n 144 above) 15-16.
[146] Soja (n 144 above) 16-17.
[147] J Reinecke & S Ansari 'Time, Temporality, and Process Studies' (2016) *The Sage Handbook Of Process Organization Studies* 2.
[148] Reinecke & Ansari (n 147 above) 3.

towards the control of historical narratives and to sever the oppressed from their past and memory. It aims to dismiss the past by representing it as an entity with only documentary value.[149] Vàzquez proposes that:

> Through the critique of modern time we see how modernity and hence coloniality means the imposition of a time that dismisses the past, turns the future into the teleology of progress and holds the present to be the only site of the real. Under the light of the critique of time, the modernity/coloniality compound shows its double face. On the one hand we have the hegemony over visibility in the spectacle of modernity, the phantasmagoria of modernity, and on the other, we have coloniality's strategies of invisibility, which impose oblivion and silence and erase the past as a site of experience.[150]

Coloniality is constitutive of modernity; it is the under-side of modernity. Thus we cannot think of modernisation without thinking of exploitation, violence, and segregation. Coloniality signals the rejection of the past as a site of experience.[151] According to this understanding, the modern city can be read as strategies to define and appropriate space. Under modernity, space is a site of reality as well as a site of power; it is hence the site of the present. The modern "is a hegemony over the illusions of an objective present and a utopian future." On the other hand coloniality is a rejection of the past and expression of a time that is concerned with the present as a site of what is real.[152] As held by Frantz Fanon:

> Colonialism is not simply content to impose its rule upon the present and the future of a dominated country. By a kind of perverse logic, it turns to the past of the oppressed people, and distorts, disfigures and destroys it.[153]

Criminologist Wilfred Schärf encapsulated the position of black people during apartheid as follows:

> Economic dependency was ensured by preventing the accumulation of capital by blacks. Influx control was designed to confine the surplus African population to the economically impoverished homelands. Housing policies denied Africans freehold rights and other relatively stable forms of land tenure and thus robbed them of the opportunity of using their homes as collateral for loans. Licensing provisions in the townships were extremely restrictive, thus

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[149] R Vàzquez 'Modernity Coloniality and Visibility: The Politics of Time' (2009) 14(4) *Sociological Research Online* 1
[150] Vàzquez (n 149 above) 2.
[151] Vàzquez (n 149 above) 2.
[152] Vàzquez (n 149 above) 3.
[153] Vàzquez (n 149 above) 4.

limiting opportunities for the growth of a black middle class. All forms of street trading without licences, otherwise known as the informal sector, were made illegal. Even the commodification of domestic services such as beer was criminalized. In addition, the education system for blacks was designed to perpetuate the *status quo* by keeping blacks under-skilled. Until the late seventies, job reservation protected whites from competition in the job market. There were thus pitifully few legal avenues to *financial success* open to Africans.[154]

The way black people were positioned spatially and socially under apartheid and colonialism created a structural legacy of harm that persists to this day. People living in townships, rural areas and informal settlements are more likely to remain poor for long periods of time due to their 'structural' position, which is to say, the way they are positioned in society by their access to resources and the social power relations within which they exist. This is what is meant by structural poverty.[155] Andries du Toit provides that:

> The processes that cause and reproduce poverty always need to be understood with reference to the specific configurations of the political economies, local geographies and specific histories of the contexts in which they exist.[156]

Structural violence recognises the capacity of people and institutions to inflict harms such as "discrimination, economic inequality and social injustice" on victims indirectly through "action and inaction". Groups that have been 'othered' are systematically subjected to the highest rates and impacts of the class-based nature of the structural violence of poverty.[157] According to Norah Hosken, these groups are:

> Predominantly those whose material and social locations such as class, gender, race, ability, age, sexual orientation, religion and geography combine to make them less useful or productive in the paid labour market.[158]

Structural violence includes unequal access by people to quality employment, education, housing, health, legal assistance, childcare, community infrastructure and welfare opportunities.[159]

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[154] MacMaster (n 112 above) 289.
[155] Du Toit (n 95 above) 8.
[156] Du Toit (n 95 above) 8.
[157] N Hosken 'Social work, class and the structural violence of poverty' (2016) Pease, B, Goldingay, S, Hosken, N & Nipperess, S (eds), *Doing critical social work: transformative practices for social justice* 2.
[158] Hosken (n 157 above) 3.

Synthesising data captured from studies conducted in Cape Town by the Institute for Poverty, Land and Agrarian Studies (PLAAS), Du Toit found that in Khayelitsha "poverty is locally shaped not by agrarian underdevelopment or by agro-industrial rationalisation but by the racial and spatial geo-politics of the post-industrial metropolitan labour market".[160] Central to structural poverty are patterns of economic deprivation, stress and vulnerability; as well as "power-laden and conflictual nature of the underlying social networks on which individuals and groups rely for identity, survival and dignity".[161] As the murder capital of South Africa, it was noted in 2001 that there were 120 deaths per 100 000 persons in Khayelitsha and the deaths of men constituted only 27% of them. A 2004 study also found that the unpaid labour necessary for household reproduction is done almost entirely by women and girl children in Khayelitsha. These gender roles and the violence often used to enforce them are part of what keeps women trapped in poverty. [162] Poverty is not perpetuated only at micro-level processes and dynamics, it is sustained and perpetuated by the broader and thoroughly historical systems of social relations in which they are embedded. While structural poverty and inequality are largely a legacy of apartheid and past race-based policies, it would be an oversimplification to rule them down to only that.[163] Du Toit postulates that over 300 years of violent, racist, exploitative and brutalising history as well as "the development of racialised capitalism, authoritarian state formation and top-down modernisation" are the main causes of chronic and structural poverty in South Africa.[164]

Making meaning from the vantage point of the present, it is clear that the Group Areas Act, and apartheid spatial planning more broadly, as mechanisms of modernity and coloniality under the apartheid regime can thus be said to have been busy with the creation of a utopian future through the subjugation and oppression of non-whites over space and time. It required the oppressed who had been (dis)placed, forcibly removed and relegated to the periphery of space and imagination to reject their painful past and accept that the creation of the new group areas were objective. It encompassed a politics of time oriented towards the

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[159] Hosken (n 157 above) 9.
[160] Du Toit (n 95 above) 11.
[161] Du Toit (n 95 above) 12.
[162] Du Toit (n95 above) 13.
[163] Du Toit (n 95 above) 16.
[164] Du Toit (n 95 above) 17-18.

destruction of memory. Structural dynamics create marginality, maintain vulnerability and undermine agency for poor people and can be better understood by engaging with complex social and power relations. Structural poverty is intimately connected to the political economy, the social history, the political geography and the anthropology of South Africa. The structural violence of poverty requires conceptual, schematic and empirical engagement to understand the realities of inequality in our country. It is also apparent that the right to the city encompasses a spatiality free from the structural violence of poverty and oppression.

4.3 The (im)possibility of development

There are two understandings that I have put forward that are relevant to what follows. Firstly, that the city can be understood as being a space and place of social and economic advantage that results in uneven development of that which falls outside the city. Secondly, that group areas can be understood as heterotopias of deviation, sites on the borders and outskirts of the city proper, linked to slices in time. I rely on these understandings to answer the question of whether the violent, dehumanising and ostracising nature of the Group Areas Act and apartheid spatial planning more broadly trapped townships, informal settlements and rural areas in a state of perpetual non-development and not merely uneven or underdevelopment.

Development is a contested term that is complex and contradictory. As such, there is little consensus as to what development refers. Popular understandings of development refer to people having access to adequate food, shelter, education, health care and jobs. Alan Thomas appropriately outlines a broad basis that can serve as a definition of development based on four key characteristics:

> The first is that development entails an all-encompassing change, and not just improvement in one particular element; second, development is a continuous and cumulative process of change; third, it implies change at both social and individual levels, and, fourth, developmental change is not always positive.[165]

Denis Goulet pioneered development ethics and provides that there are three core values that must be present in a true definition and measurement of development:

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[165] S Chant & C McIlwaine 'Defining, conceptualising and measuring development' (2009) Geographies of *Development in the 21st Century: An Introduction to the Global South* 13.

1. Life sustenance in terms of basic needs.

2. Self-esteem related to self-respect and independence.

3. Freedom concerned with the ability of people to exercise freedom of choice over their own destiny.[166]

Life sustenance concerns the provision of basic needs such minimal education, food, housing and clothing. Thus a country with a relatively high standard of living and growth performance over several years cannot be seen as fully developed if it cannot provide its people with basic needs and is said to be underdeveloped. Self-esteem concerns feelings of self-respect and independence. A country cannot be considered fully developed if it cannot conduct economic relations on equal terms or is being exploited by other countries. Freedom concerns the ability of people to determine their own destiny. The social and economic development of a country requires all to participate in and benefit from the process of growth and not just the wealthy minority.[167] Development also concerns the promotion of gender equality and the empowerment of women.[168]

Poor and underprivileged people, those who experience relative and absolute material deprivation, are the primary focus of development.[169] Yet development occurs without the poor if there is no imperative to distribute wealth in a way that would counter poverty and support broader upward mobility.[170] The development state engages ethically with many kinds of marginalised groups within society and their social reproduction is not an important economic consideration. Development benefits are concentrated spatially and socially.[171] Richard Ballard argues that "Social concentrations of development have corresponding spatial concentrations of development" and that "cities are shaped by processes described as 'embourgeoisement'… These serve both to create the blight-free comfort zones required for consumption and also to enable the high valuations of space which have

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[166] Chant & McIlwaine (n 165 above) 16.
[167] A. P. Thirlwall 'Development and economic growth' V Desai & R Potter (eds) *The Companion to Development Studies* (2013) 38-39.
[168] Chant & McIlwaine (n 165 above) 20.
[169] R Ballard 'Geographies of Development: without the poor' (2011) *Progress and Human Geography* 2-3.
[170] Ballard (n 169 above) 6.
[171] Ballard (n 169 above) 6.

become such a central aspect of making money".[172] Development which does not see the poor as a temporary category that can be absorbed but envisions them as chronically poverty stricken "is a process of distillation, concentration, segregation, and exclusion".[173]

Social segregation concentrates the poor in the least desirable parts of a city which results in urban decay and deprived areas. Areas dominated by certain types of tenures have a higher probability of deprivation and decay. The interaction between social, economic and physical changes in the cities results in urban decay. Hans Skifter Andersen maintains that "these areas are not merely a simple result of social inequality and segregational forces; they are also by themselves creating new segregation and inequality".[174] Social differentiation and spatial differentiation produce the distribution of people in space. The social, physical and functional structure of the city, which is influenced by economic investments and disinvestments, produce this spatial differentiation. Segregation takes place as an interaction between social and spatial differentiation and leads to a concentration of poor people and specific ethnic or race groups in certain parts of the city.[175]

The right of access to adequate housing is enshrined in section 26 of the Constitution of the Republic of South Africa, 1996. South Africa has a progressive legal and policy framework governing the right to housing and as such has established a comprehensive state-subsidised housing programme, which seeks to redress the legacy of apartheid of systemically relocating black people far away from urban centres and opportunities.[176] The apartheid state's failure to invest in the development of housing and municipal services in townships led to a shortage of housing, overcrowding, and the establishment of informal settlements.[177] Due to the unaffordability and lack of housing, poor and low-income households have resorted to living in rural, urban and peri-urban informal settlements. According to South

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[172] Ballard (n 169 above) 10.
[173] Ballard (n 169 above) 11.
[174] H. S. Andersen 'Excluded Places: the Interaction Between Segregation, Urban Decay and Deprived Neighbourhoods' (2002) 19 *Housing, Theory and Society* 154.
[175] Andersen (n 174 above) 155.
[176] 'Informal Settlements and Human Rights in South Africa: Submission to the United Nations Special Rapporteur on adequate housing as a component of the right to an adequate standard of living' (2018) 5.
[177] n 176 above 14.

Africa's National Housing Code, informal settlements have one or more of the following characteristics:

> Illegality and informality; inappropriate locations; restricted public and private sector investment; poverty and vulnerability; and social stress.[178]

The South African government set out government housing programmes in the context of informal settlement upgrading or resettlement. The Upgrading of Informal Settlements Programme was instituted in terms of section 3(4) (g) of the Housing Act no. 107 of 1999.[179] In terms of the Housing Development Agency Act No. 23 of 2008,[180] the Housing Development Agency was mandated to assist organs of State with the upgrading of informal settlements as part of the Programme.[181] The objective of the Programme is to facilitate the structured incremental *in situ* upgrading of informal settlements as opposed to relocation, after extensive and active community participation.[182] The Government's objective was to upgrade all informal settlements in the country by 2014/15.[183] The nature of tenure rights that are to be awarded will be left to the discretion of the MEC, in consultation with the community and municipality concerned. Tenure rights may include full ownership, rental agreements entered into with each household and/or the gratuitous loan of a site for occupation by the relevant household legally known as "Commodatum".[184]

The Housing Development Agency released a 2013 report summarising data available for the Western Cape relying heavily on the then newly released Census 2011. There have been no other reports on the Western Cape released by them to date. The report found that an estimated 75% of households living in shacks not in backyards in the Western Cape could be found in the City of Cape Town in 2011.[185] Khayelitsha currently has the largest single concentration of informal settlements in the City of Cape Town, many of whom are located on land that is unsuitable for housing as a result of flooding. A staggering 64.4% of households in Khayelitsha live

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[178] n 176 above 5.
[179] Hereafter referred to as the Programme.
[180] Section 7 (1) k.
[181] 'The Housing Development Agency Western Cape: Informal settlements Status Report' (2013) 3.
[182] Department of Human Settlements (DHS), 'Upgrading of Informal Settlement Programme', Part 3 of the National Housing Code (2009) 13-15.
[183] n 182 above 25.
[184] n 182 above 38.
[185] n 181 above 14.

in informal dwellings.[186] 378 informal settlements was the official figure for the City of Cape Town in 2012 based on the municipal estimate.[187] Informal settlements in South Africa are characterised by inequalities in access to basic services such as water, sanitation, and electricity. 12% of the households in the City of Cape Town relied on a communal stand for access to tap water according to the 2011 Census.[188] In 2016, the City of Cape Town erected 371 chemical toilets to accommodate the approximately 60,000 people living in the Marikana informal settlement in Phillipi, outside Cape Town; this amounted to 1 toilet for every 32 households. This undoubtedly disproportionately impacts women, girls and people with disabilities.[189]

According to Statistics South Africa 2017, the population of the Western Cape increased by almost half a million people between 2011 and 2015, with an estimated 6.51 million people currently living in the province. In-migration is one of the primary drivers of population growth in the Western Cape.[190] 90.0% of the Western Cape population was living in urban areas in 2011.[191] Segregated spatial patterns have consigned the poor to the urban fringes, with limited economic opportunities, and access to services.[192] The 2014 Provincial Spatial Development Framework recognises transport as a basic need, but the barriers to providing this service are:

- High costs of public and private transport;

- Absence of public transport in low income/low density areas; and

- Location of settlements far from economic/social centres. [193]

The 'State of Environment Outlook Report for the Western Cape Province' defines development as:

A process of change that represents planned progress of some kind. For example, developing the economy of a region or country can take place through the expansion of economic activities, the improvement of people's skills, or job creation. [194]

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[186] Khayelitsha http://www.alhdc.org.za/static_content/?p=91 accessed 11 October 2018.
[187] n 182 above 36.
[188] n 176 above 7-8.
[189] n 176 above 10.
[190] V Braham & A Dotwana 'State of Environment Outlook Report for the Western Cape Province: Human Settlements' (2018) 1.
[191] Braham & Dotwana (n 190 above) 3.
[192] Braham & Dotwana (n 190 above) 4.
[193] Braham & Dotwana (n 190 above) 16.

The Report defines urbanisation as "the movement of people from rural to urban areas".[195] Although a simplistic definition, I am more inclined to say that Khayelitsha is experiencing urbanisation and the City of Cape Town is responding it rather than undergoing development.

Relying on the work of David Harvey concerning the conceptualisation of the 'urban', Hyun Bang Shin holds that urbanization can be defined:

> Not simply as demographic transformation, but as a process that entails the manifestation of capital accumulation that takes the form of investments in the built environment, accompanied by changes to the political, social, and economic institutions to facilitate such accumulation. Particularly in emerging economies and developing countries, urbanization increasingly entails speculative expansion of the secondary circuit of capital accumulation, which reproduces distinctive social relations.[196]

The changes in population have lead to other changes in land use, economic activity and culture. Urbanisation also causes rapid and unplanned urban growth resulting in poor infrastructures such as inadequate housing, water and sanitation, transport and health care services. Peri-urban areas are those areas immediately around a town or city and globally they are growing much more quickly than formal urban centres due to rapid population growth.[197] The number of households living in shacks not in backyards has increased by 33,645 over the ten year period of between 2001 and 2011 in Cape Town.[198] Low-income families are more likely to gravitate towards informal settlements that multiply in and around towns. Poverty is one of the most critical issues facing urban areas as urban poverty degrades both the physical and social environment. This results in people finding it more difficult for to escape from poverty.[199]

Political relations, socioeconomic processes and spatial injustices have produced concentrations of poor people in particular places. The spatial concentration of poor people in particular areas is linked to the characteristics of these places and as such

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[194] Braham & Dotwana (n 190 above) V.
[195] Braham & Dotwana (n 190 above) 2.
[196] H.B. Shin 'Geography: Rethinking the 'Urban' and Urbanization' D Iossifova,. C Doll. & A Gasparatos. (eds.) *Defining the Urban: Interdisciplinary and Professional Perspectives* (2017) 10-11.
[197] 'Study Session 5 Urbanisation: Trends, Causes and Effects' http://www.open.edu/openlearncreate/mod/oucontent/view.php?id=79940&printable=1 accessed 13 October 2018.
[198] n 181 above 28.
[199] n 197 above.

needs to be understood as spatial manifestations of broader systems of inequality that (re)produce poverty.[200] Hans Skifter Andersen argues that these are "places where self-perpetuating negative social, economic and physical processes occur that make them increasingly different from the rest of the city".[201] Reparation of local urban social systems should not be seen as a panacea for the broad range of structural problems affecting disadvantaged places.[202]

Urbanisation on its own does not automatically lead to development as it depends on many enabling factors. Studies have found that no linear relationship exists between urbanization and development although there is a correlation coefficient. Future growth in a state per capita income will be significantly influenced by the state's ability to effectively manage urbanization.[203] Conceptualising the 'urban' as a social construct, Harvey establishes that:

> It is the process and its relational attributes of space and time that must be the fundamental focus of enquiry. The question of urbanization in the twenty-first century then becomes one of defining how space and time will be produced within what social processes.[204]

Based on the definitions of the urban, urbanisation and development, only space and time will tell whether the state has adequately responded to the spatial, economic and social processes underway in Khayelitsha. In terms of Alan Thomas's definition of development which requires an all-encompassing change and not just improvements, the expanding boundaries and incremental upgrades taking place in Khayelitsha do not point towards development. Not presently at least. However, this is not in perpetuity. State responses to these processes are concerning as they seem to be (re)affirming the spatial racial divide in Cape Town that the apartheid government envisioned.

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[200] P Milbourne 'Putting poverty and welfare in place'(2010) 38(1) *Policy & Politics* 159
[201] Milbourne (n 200 above) 159.
[202] Milbourne (n 200 above) 160.
[203] L Narayan 'Urbanization and Development' (2014) 1(8) *International Journal of Research* 906
[204] Shin (n 196 above) 10.

CHAPTER FIVE: CONCLUSION

"What has become clear is that education for critical consciousness, coupled with anti-racist activism that works to change all our thinking so that we can construct identity and community on the basis of openness, shared struggle, and inclusive working together, offers us the continued possibility of eradicating racism. The struggle to end racial discrimination and domination must be renewed. And one of the clear means of challenging and changing racism is the will to change our interior lives, to live differently" – bell hooks[205]

The organisation of Cape Town and Khayelitsha (re)produces oppressive and unjust geographies and the spatialisation of legal violence. The impact that racialized, gendered and classed geographical boundaries have on belonging in Khayelitsha is quite extensive. Apartheid spatial planning was concerned with orienting spaces towards anti-black racism, even those spaces occupied by black people. The spatiality of this injustice although incredibly oppressive and dehumanizing, also contained within it the possibility of liberation. The very nature of unjust spatial demarcations being produced means that they can thus be unmade. Expressions of territorial power shape our everyday lives from our homes to global scales. All these expressions present an opportunity for resistance.

The imposition of powerful colonial geographies under apartheid were rationalized through ideological variants of orientalism that were intended to dehumanize the colonial 'other'. But the law cannot confer upon us humanity or question our humanity. It accrues to us by the very nature of our being. Attempts to constrain our bodies and relegate us to the periphery of land and existence will always be met by indigenous people who will continue to resist assimilation into the hegemonic white culture. This will continue to (re)produce a shared identity that will not be denied recognition and will forge coalition building. Urban development may not be uniform or come fast enough, but an African egalitarian future we aspire to should involve the fair and equitable distribution in space of socially valued resources and the opportunities to use them.

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[205] bell hooks contemplating ways of thinking about race beyond only victimhood and pain for black people in her book *Belonging: a culture of place* (2009) 182.

Word count: 15 419

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